11

D.B. CIVIL SPECIAL APPEAL NO.189/07
(Rai Singh Vs. State of Raj. & Ors.)

Date:- 16.03.2007

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. BHANWAROO KHAN,J.

Mr.S.P.Sharma,for the respondent.

Having heard learned counsel for the appellant, we do not find any merit in this appeal.

The appellant has raised an industrial dispute that he was working with the respondent from 1.12.85 to 31.10.86 and, thereafter, his services were terminated without complying with the provision relating to a valid retrenchment under Industrial Disputes Act, 1947. The dispute was raised after about 10 years of the alleged date of termination.

The respondent-employer had denied the termination of the services by oral or written order. It was stated that the petitioner was appointed as causal worker more than 10 years ago. Presently, no record prior to 10 years is available with the employer. It was explained that petitioner was serving in 1986 as causal labour. A casual labour usually comes at his own accord and leaves at his

own accord. The workman has also left voluntarily and has not come to work with the employer for long period. In fact he did not come to work with the employer until raising the dispute by lodging a complaint before conciliation officer on 22.9.92, that is to say more than 11 years after the date of alleged termination of service.

The labour court on the basis of merit has come to the conclusion that in the present case, as a matter of fact, the workman was not retrenched from service but has voluntarily left the services.

In our opinion the findings reached by the labour court was not rightly interfered with by learned Single Judge in exercise of extra ordinary jurisdiction. We see no reason to interfere in this appeal.

The appeal is accordingly dismissed.

(BHANWAROO KHAN),J. **(RAJESH BALIA),J.**

ARTI